

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Please cancel claims 1-23 and 27-29 as being drawn to non-elected subject matter.

Please amend claims 24-26, 30-33, and 35-36 as indicated.

Listing of Claims:

Claims 1-23 (Canceled)

24. (Currently amended) A transgenic plant stably transformed with a DNA sequence of interest that encodes an ~~two-domain~~ Avr ~~gene~~ ~~having~~ protein comprising an inactive cell death domain, said DNA sequence being operatively linked to a promoter that is capable of ~~effecting~~ causing expression of said ~~gene~~ DNA sequence in said plant when said plant is infected with a pathogenic organism.

25. (Currently amended) The transgenic plant of claim 24 wherein the ~~Avr gene~~ DNA sequence is derived from the cucumovirus 2b gene.

26. (Currently amended) The transgenic plant of claim 25 wherein the ~~Avr gene~~ DNA sequence is a molecular chimera of the resistance domain of the Tav2b gene and the cell death domain of the Cmv2b gene.

Claims 27-29 (Canceled)

30. (Currently amended) An expression vector comprising ~~an Avr gene having a~~ a DNA sequence of interest that encodes an Avr protein comprising an inactive cell death domain, said DNA sequence being operably linked to a plant-active promoter.

31. (Currently amended) The expression vector of claim 30 wherein the ~~Avr gene~~ DNA sequence is derived from the cucumovirus 2b gene.

32. (Currently amended) The expression vector of claim 31 wherein the ~~Avr gene~~ DNA sequence is a molecular chimera of the ~~resistance~~ resistance domain fo the Tav2b gene and the cell death domain of the Cmv2b gene.

33. (Currently amended) The expression vector of claim 30, 31 or 32, wherein expression of the ~~Avr gene~~ DNA sequence is controlled by a pathogen-inducible promoter.

34. (Original) The expression vector of claim 33, wherein the pathogen-inducible promoter is a PR protein gene promoter.

35. (Currently amended) A seed of the transgenic plant of claim 24, 25 or 26, containing said DNA sequence of interest.

36. (Currently amended) A ~~propagating part~~ propagule of the transgenic plant of claim 24, 25 or 26, containing said DNA sequence of interest.

37. (Original) The transgenic plant of claim 24, which is corn, wheat, rice, millet, oat, barley, sorghum, sunflower, sweet potato, alfalfa, sugar beet, brassica species, tomato, pepper, soybean, tobacco, melon, squash, potato, peanut, pea, cotton or cacao.